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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,104

08/30/2006

Masaaki Ofuji

MAT-8871US

6356

52473

7590

06/16/2008

RATNERPRESTIA

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EXAMINER

VERAA, CHRISTOPHER

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

06/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,104	Applicant(s) OFUJI ET AL.	
	Examiner CHRISTOPHER E. VERAA	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/30/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10, 13 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The disclosure mentions a shield for avoiding magnetic influence but does not describe how it is incorporated into the device in a way that would enable one of ordinary skill in the art to produce the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "sheet-like" in claim 1 is a relative term which renders the claim indefinite. The term "sheet-like" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

As to claim 3, the claim recites that the pulling part includes “the first rail support” in line 8, and “the second rail support” in line 10. From the disclosure it is not understand how these rail supports can be the same as those included in the take-up part. The claim is therefore indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Gusman et al (US-1669052).

As to claim 1, Gusman et al teaches a display part 9, a take up part 12, a pulling part 2, a holding part comprising a linkage comprising rails 3 and 4.

As to claims 2-4, Gusman et al teaches two rails in a shape of an X, including first and second rail supports, 5 and 6, on each of the pulling and take-up parts, where one support holds the end of a rail rotatably and a second support that holds the end of the rail rotatably and slidably, as at 7 and 8.

As to claim 6, a part of the screen faces a part of the rails when the device is open.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gusman et al (US-1669052) in view of Takamoto et al (US-6249377).

Gusman et al lacks an elastic member. Takamoto teaches an elastic member 22 that biases the screen assembly closed. It would have been obvious to one of ordinary skill in the art to include an elastic member since all the claimed elements were known in the art and their combination would have required only ordinary skill in the art to achieve predictable results.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gusman et al (US-1669052) in view of Seidel (US-6557280). Gusman lacks power and audiovisual circuits. Seidel teaches a roll up screen with power and audiovisual circuits and wiring in the take up part. Seidel teaches powering the device with batteries, but external sources of power are well known and modifying the device to use an external power source would have required only routine skill in the art to produce predictable results. It would therefore have been obvious to include power and audio

visual wiring connected to an external power supply in order to enhance the appeal of the display.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gusman et al (US-1669052) in view of Cruz-Uribe et al (US-6853486). Gusman et al lacks a shield. Cruz Uribe et al teaches a projection screen that includes a layer 88 that can shield the screen from magnetic influence. It would have been obvious to one of ordinary skill in the art to modify the screen of Gusman et al to incorporate the features of the screen taught by Cruz-Uribe et al in order to provide a screen with enhanced contrast. Such modification would include the layer 88.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gusman et al (US-1669052) in view of Seidel (US-6557280) and further in view of Cruz-Uribe et al (US-6853486). Gusman et al lacks a shield. Cruz Uribe et al teaches a projection screen that includes a layer 88 that can shield the screen from magnetic influence. It would have been obvious to one of ordinary skill in the art to modify the screen of Gusman et al to incorporate the features of the screen taught by Cruz-Uribe et al in order to provide a screen with enhanced contrast. Such modification would include the layer 88.

Allowable Subject Matter

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER E. VERAA whose telephone number is (571)272-2329. The examiner can normally be reached on Monday through Friday, 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. E. V./
Examiner, Art Unit 3611

/Lesley D. Morris/
Supervisory Patent Examiner, Art Unit 3611